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Paper No. 12

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OFFICE OF PETITIONS

In re Application of
Gerd W. KRÄMER
Application No. 09/704,803
Filed: November 2, 2000
Title of Invention:
AUTOMATIC PROGRAMMING

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)[1], filed October 21, 2004, to revive the above identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)".This is **not** a final agency decision.

This application became abandoned January 28, 2004 for failure to timely pay the issue fee on or before January 27, 2004. This decision precedes the mailing of the Notice of Abandonment.

Pursuant to 37 CFR 1.137(a) however, the instant petition lacks items (1) and (2) of the regulation. Effective October 1, 2004 the petition fee and the issue fee, for a small entity, were both set at $685.00 each. Therefore, and since no authorizations for debiting a

[1]A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

have not been paid. The fees due are the fees set at the time the application file is revived.

In view thereof, a petition fee and issue fee in the amount of $685.00, each, is due before a petition on the merits can be addressed and granted. The application will therefore remain in an abandoned status until such time as the issue fee and a petition fee, each in the amount of $685.00 have been paid.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (703)872-9306

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

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